

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re

No. C 13-0155 WHA (PR)

ORDER OF DISMISSAL

ERIC M. ROBINSON,

(Dkt. 4)

Plaintiff.


On January 11, 2013, plaintiff, a prisoner of the State of California, filed a letter complaining of actions by prison employees. That day, the clerk notified plaintiff that he had not filed a complaint, and that he had neither paid the filing fee nor filed an application to proceed in forma pauperis (“IFP”). Along with the notices, the clerk mailed to plaintiff the court’s complaint and IFP forms, instructions for completing the forms, and a stamped return envelope. In the notices, plaintiff was informed that the case would be dismissed if he did not file a complaint, and pay the fee or file a completed IFP application, within thirty days. More than thirty days have passed, and plaintiff has not filed a complaint, paid the filing fee, or filed an IFP application. Accordingly, this case is **DISMISSED** without prejudice. *See Thomas v. Anchorage Equal Rights Comm’n*, 220 F.3d 1134, 1138-39 (9th Cir. 2000) (en banc) (federal courts are restricted by the constitution to ruling on cases or controversies). Plaintiff has filed a motion to transfer this case to the Central District, which is **DENIED** because there is no

pleading, or case or controversy, to transfer. If plaintiff wishes to pursue a case in that court, he must file a complaint or habeas petition there.

The Clerk shall enter judgment and close the file.

IT IS SO ORDERED.

Dated: February 28, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE